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**CA Democratic Congressional Delegation Send Letter Demanding Changes in Levee Vegetation Variance Policy**

*Congresswoman Matsui Leads Bipartisan Letter Detailing Revisions Needed*

**WASHINGTON, D.C.** – Today, Congresswoman Doris O. Matsui (D-Sacramento), with over thirty of her colleagues and the support of the entire California Democratic Congressional Delegation, [sent a letter](#) to the Assistant Secretary of the Army for Civil Works, Jo-Ellen Darcy, in response to the public comment period for the Policy Guidance Letter (PGL) on Variance from Vegetation Standards for Levees and Floodwalls released by the Army Corps in February. Members of Congress and the State of California remain concerned that the PGL continues to ignore the science on the subject of vegetation on levees, and does not provide enough flexibility that takes into account California's unique challenges.

In their letter, the bipartisan group of California Members declares that the PGL has not resolved issues that will adversely affect public safety and cause harm to the environment. The Members are therefore urging the Corps to reconsider a number of important issues before finalizing a PGL.

Congresswoman Matsui commented, "Our number one concern should be public safety. Unfortunately, the Corps' vegetation policy – and their draft guidance for any variance in the policy – will have a negative impact on public safety, on the environment, and on the cost of our levee projects. I thank my colleagues in the California Congressional Delegation for joining with me to demand changes from the Corps that demonstrate a commitment to completing our critical flood protection projects."

The bipartisan letter was signed by the following California Congressional Members (35): Doris

O. Matsui (CA-05), George Miller (CA-07), Grace Napolitano (CA-38), Wally Herger (CA-02), John Garamendi (CA-10), Dan Lungren (CA-03), Mike Thompson (CA-01), Jerry McNerney (CA-11), Dennis Cardoza (CA-18), Anna Eshoo (CA-14), Jim Costa (CA-20), Jackie Speier (CA-12), Xavier Becerra (CA-31), Lois Capps (CA-23), Zoe Lofgren (CA-16), Howard Berman (CA-28), Adam Schiff (CA-29), Henry A. Waxman (CA-30), Lynn Woolsey (CA-06), Janice Hahn (CA-36), Laura Richardson (CA-37), Brad Sherman (CA-27), Barbara Lee (CA-09), Mike Honda (CA-15), Sam Farr (CA-17), Judy Chu (CA-32), Joe Baca (CA-43), Lucille Roybal-Allard (CA-34), Karen Bass (CA-33), Susan Davis (CA-53), Linda Sanchez (CA-39), Loretta Sanchez (CA-47), Pete Stark (CA-13), Bob Filner (CA-51) and Maxine Waters (CA-35).

Congresswoman Matsui has been a vocal opponent of the blanket policy prohibiting vegetation on levees for years. In February 2011, Matsui [sent a letter](#) to the Assistant Secretary of the Army for Civil Works, Jo-Ellen Darcy, with 16 of her colleagues urging the Corps to change their policy regarding vegetation on levees, highlighting that even the variance process is cost-prohibitive for the majority of state and local agencies. Matsui also sent a [letter in December 2010](#)

, which requested that the Corps reconsider their levee vegetation policy for both economic and environmental reasons. More recently, last fall, Congresswoman Matsui took ASA Darcy on a tour of Sacramento's levees and showed her first hand the unique challenges Sacramento faces with regard to the levee vegetation policy. Congresswoman Matsui has pledged her commitment to continue to urge the Corps to restore balance to decisions involving levees and trees, and end the uncertainty that has plagued the Corps and their state and local partners over the last year.

Full text of today's letter is below:

April 3, 2012

The Honorable Jo-Ellen Darcy  
Assistant Secretary of the Army (Civil Works)  
U.S. Army Corps of Engineers  
108 Army Pentagon, Room 3E446  
Washington, DC 20310-0108

Dear Assistant Secretary Darcy,

Thank you for your continued efforts to work with local communities to address their concerns with the U.S. Army Corps of Engineers (Corps) vegetation policy. In response to our letter dated February 15, 2011 concerning application of this policy in California, we appreciate your continued commitment, and that of the Corps, to our collaborative partnership with the State of California in the face of administrative, legal and resources challenges. In particular, we are heartened by the addition of another public comment period, and a resulting number of changes in the Policy Guidance Letter--Variance From Vegetation Standards for Levees and Floodwalls (PGL). We also appreciate the Corps' constructive attempt to address public safety issues in a risk-prioritized way through the System-wide Improvement Framework process (SWIF).

Unfortunately, these efforts have not resolved fundamental issues that will adversely affect public safety and cause harm to the environment. These issues were extensively documented in the April 15, 2010 letter to the Corps from the California Department of Water Resources and California Department of Fish and Game. We do not support finalizing the draft PGL and urge you to reconsider many of the important issues set forth in the letter. Specifically, the issues we are concerned about are the following:

- The extremely high costs of levee construction and mitigation resulting from this policy will divert limited resources from the remediation of critical risk factors, with little or no improvement in public safety.
- When the Central Valley flood protection system was turned over to the State to operate and maintain, woody vegetation was already an integral component of the levees and channels. Since that time, vegetation has been encouraged, protected, or introduced by the Corps on many levees. In other parts of the State, the Corps built levees designed with vegetation and then turned the facilities over to local agencies to maintain. The Corps should therefore be a full partner in addressing the consequences of these actions.
- The Corps should make a clear distinction between existing levee systems and new federal project improvements. We accept the concept that new levees should be constructed and maintained in full compliance with Corps vegetation policies, but a regionally adaptable approach that recognizes the integration of woody vegetation is imperative for existing levees.
- The PGL is so stringent, burdensome and expensive that variances are unlikely to be sought or issued except under specialized, local circumstances.

Given the enormous costs of implementation and the resulting destruction of the ecosystem, the Corps' vegetation management policies must be substantially changed in order to make credible, tangible improvements in public safety and the protection of the environment. In particular, the PGL and SWIF place an unwarranted importance on PL84/99 eligibility that has little or no bearing on the required authorization of tens of billions of dollars of State/local/

federal construction projects that are urgently needed to protect life and property. We are concerned that the PGL could double the cost of levee improvements in the state.

While we are disappointed that the Corps has suspended participation in the California Levees Roundtable (Roundtable) process, we hold out hope that a spirit of collaboration will continue and enable important public safety projects to advance without placing undue burdens on local communities. We encourage the Corps to extend this collaboration to areas outside the Central Valley of California, including our local agencies along the California coast, within the San Francisco Bay Area and in semi-arid Southern California.

Again, we request the following from the Corps:

1. Revise the vegetation variance policy to establish a practical process that considers the incremental risk posed by levee vegetation with respect to all risks that affect levee integrity, and whether or not the financial and environmental costs of vegetation removal are warranted.

2. Continue active collaboration in the Central Valley to work through the identified implementation issues and establish similar collaborative efforts to areas outside the Central Valley to address implementation issues unique to those areas.

3. The SWIF is a promising concept, but as written falls short of being useful. Revise the SWIF to allow projects to expediently remediate the most serious threats to levee integrity in a way that provides for the greatest public safety benefit with limited resources, such as proposed in the recently released draft Central Valley Flood Protection Plan.

Thank you for your time and consideration. We look forward to your reply.

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